

House File 589

H-1193

1 Amend House File 589 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 232.147, subsections 1, 2, 3,
5 and 8, Code 2015, are amended to read as follows:

6 1. Juvenile court social records shall be
7 confidential. They shall not be inspected and their
8 contents shall not be disclosed except as provided in
9 this section or as authorized by other provisions in
10 this chapter.

11 2. Official juvenile court records in cases
12 alleging delinquency, including complaints under
13 section 232.28, shall be public records, subject to the
14 following restrictions:

15 a. Records containing a dismissal of a complaint or
16 an informal adjustment of a complaint when no petition
17 is filed relating to the complaint, shall not be
18 available to the public and may only be inspected by or
19 disclosed to the following:

20 (1) The judge and professional court staff,
21 including juvenile court officers.

22 (2) The child's counsel or guardian ad litem.

23 (3) The county attorney and county attorney's
24 assistants.

25 (4) The superintendent or the superintendent's
26 designee of the school district for the school attended
27 by the child or the authorities in charge of an
28 accredited nonpublic school attended by the child.

29 (5) A member of the armed forces of the United
30 States who is conducting a background investigation of
31 an individual pursuant to federal law.

32 (6) The statistical analysis center for the
33 purposes stated in section 216A.136.

34 (7) The state public defender.

35 ~~a.~~ b. Official juvenile court records containing a
36 petition or complaint alleging delinquency filed prior
37 to January 1, 2007, shall be public records subject
38 to a confidentiality order under section 232.149A or
39 sealing under section 232.150.

40 ~~b.~~ c. Official juvenile court records containing a
41 petition or complaint alleging delinquency filed on or
42 after January 1, 2007, shall be public records subject
43 to a confidentiality order under section 232.149A
44 or sealing under section 232.150. The official
45 records shall not be available to the public or any
46 governmental agency through the internet or in an
47 electronic customized data report unless the child has
48 been adjudicated delinquent. However, the following
49 shall have access to official juvenile court records
50 through the internet or in an electronic customized

1 data report prior to the child being adjudicated
2 delinquent:

3 (1) The judge and professional court staff,
4 including juvenile court officers.

5 (2) The child's counsel or guardian ad litem.

6 (3) The county attorney and the county attorney's
7 assistants.

8 (4) A court, court professional staff, and adult
9 probation officers in connection with the preparation
10 of a presentence report concerning a person who prior
11 thereto had been the subject of a juvenile court
12 proceeding.

13 (5) A state or local law enforcement agency.

14 (6) The state public defender.

15 (7) The division of criminal and juvenile justice
16 planning of the department of human rights.

17 ~~e.~~ d. If the court has excluded the public from
18 a hearing under division II of this chapter, the
19 transcript of the proceedings shall not be deemed a
20 public record and inspection and disclosure of the
21 contents of the transcript shall not be permitted
22 except pursuant to court order or unless otherwise
23 provided in this chapter.

24 ~~d.~~ e. Complaints under section 232.28 shall be
25 released in accordance with section 915.25. Other
26 official juvenile court records may be released under
27 this section by a juvenile court officer.

28 3. Official juvenile court records in all cases
29 except those alleging delinquency shall be confidential
30 and are not public records but may be inspected and
31 their contents shall be disclosed to the following
32 without court order:

33 a. The judge and professional court staff,
34 including juvenile court officers.

35 b. The child and the child's counsel.

36 c. The child's parent, guardian or custodian, court
37 appointed special advocate, and guardian ad litem, and
38 the members of the child advocacy board created in
39 section 237.16 or a local citizen foster care review
40 board created in accordance with section 237.19 who are
41 assigning or reviewing the child's case.

42 d. The county attorney and the county attorney's
43 assistants.

44 e. An agency, association, facility or institution
45 which has custody of the child, or is legally
46 responsible for the care, treatment or supervision of
47 the child.

48 f. A court, court professional staff, and adult
49 probation officers in connection with the preparation
50 of a presentence report concerning a person who prior

1 thereto had been the subject of a juvenile court
2 proceeding.

3 *g.* The child's foster parent or an individual
4 providing preadoptive care to the child.

5 *h.* The state public defender.

6 8. ~~All~~ Subject to restrictions imposed by sections
7 232.48, subsection 4, and 232.97, subsection 3, all
8 juvenile court records shall be made available for
9 inspection and their contents shall be disclosed to any
10 party to the case and the party's counsel and to any
11 trial or appellate court in connection with an appeal
12 pursuant to division VI of this chapter.

13 Sec. 2. Section 232.149, Code 2015, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 2A. Records and files of a
16 criminal or juvenile justice agency concerning a
17 defendant transferred under section 803.6 to the
18 juvenile court for the alleged commission of a public
19 offense are public records, except that release
20 of criminal history data, intelligence data, and
21 law enforcement investigatory files is subject to
22 the provisions of section 22.7 and chapter 692,
23 and juvenile court social records shall be deemed
24 confidential criminal identification files under
25 section 22.7, subsection 9. The records are subject to
26 sealing under section 232.150.>

GUSTAFSON of Madison